

EXHIBIT I

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Outgoing
C02-50005
#3371
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From: Priscilla Burton
To: Black, Jon; OGMCOAL
CC: Dean, Dana; Haddock, Daron
Date: 10/13/2009 11:33 AM
Subject: Coal Hollow Mine C/0025/0005 Outgoing
Place: OGMCOAL
Attachments: fugitive dust plan_20091013104332.pdf

Hello Jon,

A fugitive dust control plan was required as part of the coal mining application on file with the Division of Oil Gas and Mining in accordance with Utah Coal Mining Rule R645-301-423 which states:

"For all SURFACE COAL MINING AND RECLAMATION ACTIVITIES with projected production rates exceeding 1,000,000 tons of coal per year, the application will contain an air pollution control plan which includes the following:
423.100 An air quality monitoring program to provide sufficient data to evaluate the effectiveness of the fugitive dust control practices proposed under R645-301-423.200 to comply with federal and Utah air quality standards; and
423.200 A plan for fugitive dust control practices as required under R645-301-244.100 and R645-301-244.300."

R645-301-244.100 reads, "All exposed surface areas will be protected and stabilized to effectively control erosion and air pollution attendant to erosion."

R645-301-244.300 pertains to repair of rills and gullies that prevent plant establishment and contribute to water erosion.

Attached is the fugitive dust control plan that was included in the Coal Hollow Mine application. Dave Strohm, JBR, was the consultant who put together this plan. As we discussed by phone, Method 9 is being proposed for monitoring of the fugitive dust control plan. Div. Oil Gas & Mining does not have the expertise to evaluate the use of method 9. Your comment that EPA Method 9 is occasionally used for fugitive dust control monitoring of sand and gravel operations has been helpful. I am hopeful that DOGM will coordinate the permitting and compliance of this control plan with DAQ in the future.

As we discussed the Coal Hollow Mine may expand into adjacent federal leases in the future. Dave Prey, UDAQ provided comment on the Air Resources analysis for the Draft BLM EIS for the adjacent federal leases. Andrea Stacey, Dave Sharrow, John Notar provided comment for the National Park Service. Ken Distler represented the EPA. Scott Archer represented BLM, Denver. Keith Rigtrup, BLM Cedar city (435-865-3063) is the lead for the BLM and he could let you know the status of the air analysis document and put you in contact with the commenters listed above.

Please call or email me if you have any questions on the coal hollow mining plan application.

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